

In re Application of Lanar et al.

Serial no. 10/706,435

November 29, 2006

Remarks

In response to the Restriction Requirement, Applicants elect, with traverse, the invention of Group I, claims 1-10, 39-44, 46, 47, 49-64 drawn to a recombinant LSA-NRC polypeptide comprising said polypeptide, an immunogenic carrier comprising said polypeptide, and kits comprising said polypeptide. New claim 93 has been added and is drawn to the polypeptide of the elected invention, which is encoded by the harmonized polynucleotide sequence specified in SEQ ID NO:25. Support for the new claim is found throughout the specification and claims as originally filed. Entry and consideration of the new claim is respectfully requested.

Applicants kindly request reconsideration of the restriction requirement. Specifically, Applicants kindly request the inclusion of Group IX, claims 91 and 92 drawn to a vaccine comprising the recombinant LSA-NRC polypeptide. Applicants submit that a search for the invention in group I drawn to the recombinant polypeptide and an immunogenic composition comprising the polypeptide will necessarily cover the invention of claim IX without imposing undue search and time burden on the Examiner.

With respect to the requirement to choose one sequence for examination, Applicants elect, with traverse, the LSA-NRC(H) sequence specified in SEQ ID NO:26. Applicants are not clear how examination of all the sequences in the claims provides an undue search and time burden on the Examiner. All the sequences in the claims are drawn to the LSA protein sequence encoded by the polynucleotide sequence. Hence complete search for the LSA polypeptide will necessarily cover the LSA epitopes and variations listed in the claims. Applicants kindly request reconsideration of the requirement to choose one sequence and request consideration of all the sequences in the elected claims.

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An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

By Elizabeth, Reg. No 39,461
 Elizabeth Arwine
Reg. No. 45,867

U.S. A. MRMC
504 Scott Street
Fort Detrick, MD 21702-5012
ATTN: MCMR -JA (Elizabeth Arwine-Patent Atty)

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By Sana A. Pratt
Sana A. Pratt